

### **REMARKS**

This paper responds to the Final Office Action dated June 14, 2010.

Claims 1, 26, 29, 39, and 56 are amended, no claims are canceled, and no claims are added; as a result, claims 1-27 and 29-67 are now pending in this application.

No new matter has been introduced by the amendments to claims 1, 26, 39, and 56. It is submitted that the amendments to claims 1, 26, 39, and 56 merely further clarify the claims and that no new subject matter has been introduced requiring any further searching. Claim 29 is amended merely to change the dependency of claim 29 from claim 28 (wherein claim 28 is cancelled) to claim 26. Amendment of a claim is not to be construed as a dedication to the public of any subject matter.

#### **The Rejection of Claims Under § 102**

Claims 1-11, 15-24, 26-27, 30-37 and 39-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Holtz et al. (U.S. Publication No. 2002/0175931; hereinafter "Holtz").

The 35 U.S.C. 102(e) rejection of claims 1-11, 15-24, 26-27, 30-37, and 39-67 is respectfully traversed.

Claims 1-11, 15-24, 26-27, 30-37, and 39-67 are not anticipated by Holtz because for at least the reasons stated below, Holtz fails to disclose all of the subject matter included in any given one of claims 1-11, 15-24, 26-27, 30-37, and 39-67.

#### **Independent Claim 1**

Independent claim 1 as amended states:

(a) *a broadcast control apparatus for visual data, the apparatus comprising:*

*a touch screen display panel operable to receive and display live visual streams of video data simultaneously in real time from a plurality of live visual sources, where the touch screen display panel is configurable to display said data indicative of each live visual source on a different portion of said touch screen display panel; and*

*(b) a touch screen graphical panel for the retrieval of control functions from a control function register; whereby visual data from at least one of the received and simultaneously*

*displayed visual sources is selectable for use by finger pressure on the associated portion of the touch screen display panel and the selected data is modifiable in accordance with a retrieved control function; and the selected and modified data is immediately cued to air for broadcast.*  
(emphasis added).

The Office Action asserts that paragraphs [0031] and [0032] and the illustrations of Figures 2A and 2B of Holtz teaches feature (a).

In view of the clarifying amendments, the Applicant respectfully disagrees. There is no teaching in Holtz that the touch screen display panel is operable to receive and display live visual streams of video data simultaneously from a plurality of live visual sources, where the touch screen display panel is configurable to display said live visual stream of data indicative of each visual source on a different portion of said touch screen display panel. Nor is there any teaching or suggestion that the selected and modified data is immediately cued to air for broadcast.

The cited passages from Holtz state, “...*The processing unit displays on a monitor a GUI that consists of graphical controls for controlling the video production devices. The graphical controls are made up of icons that the video director activates to control a video production device. The video director uses a ... touch screen ... to activate the icons, and thereby remotely control the video production devices. In this manner, a director is given control over video production devices used in executing a show.*

*“The processing unit also enables the video director to automate the execution of a show. According to an embodiment, the video director pre-produces the show to create a director's rundown-sheet, creates a transition macro, which specifies one or more video production commands, and instructs the processing unit to execute the transition macro.”*

Icons are defined in paragraph [0023] of Holtz to mean “a small picture intended to represent something in a graphical user interface.” A picture is not a live visual stream of data.

Holtz is describing a system for producing television programs where the format and running order of the show is known in advance. The emphasis is on the process of scripting the show (video effects, teleprompts, camera moves etc.) in advance using the system's user interface comprising a series of icons representing macros (control over one or more video production devices) on a time-line. This is in contrast to the invention defined by claim 1 as now

claimed. The resulting timeline is then executed sequentially, in real-time, expressing the control represented by the said macros when they are reached on the time-line. This is in contrast to the invention whereby the selected and modified data is immediately cued to air for broadcast.

See for instance the abstract of Holtz where it is stated: *"The video production system provides an automation capability that allows the video director to pre-produce a show, review the show in advance of "air time," and then, with a touch of a button, produce the live show,"* and paragraph 30 of Holtz where it is stated: *"The automation capability provided by the video production system allows the video director to pre-produce a live show (such as a news show or talk show), preview the show in advance of "air time", and then, with a touch of a button or other trigger, execute the live show,"* and paragraph 202 where it is stated: *"The first step in automating the execution of the talk show is to pre-produce the show."*

While the Holtz patent does allow for the alteration of this time-line during the production (see paragraph 259), the method is merely referring to the alteration of the pre-produced time-line.

The Office Action further asserts that Holtz teaches a touch screen display panel that enables a user to automate the execution of a real-time broadcast of a show by means of controlling the displayed icons as visual interfaces of the video/audio content or data which corresponds to visual data and that such content is displayed on time sheet of figures 10, 11, 14, 16 and 19 or display areas of <262> and <211> from Fig. 2B.

With respect, while video source icon 303 typically corresponds to a video input port of video switcher 104, in contrast to claim 1, the display areas <262> and <211> (and the time sheet as shown in figures 10, 11, 14, 16 and 19) on which the corresponding content is displayed are distinctly separate from the video source icons 303.

The Office Action further asserts that paragraphs [0033], [0040] and [0094] to [0102] and the illustrations of Figures 2A and 2B of Holtz teaches feature (b) of independent claim 1 as previously pending in the present application..

In view of the clarifying amendments, the Applicant disagrees.

As paragraph [0033] of Holtz states: *"... the processing unit provides automated control of the video production devices, and thereby provides a system for automating the execution of a show in real time."*

All paragraph [0040] of Holtz describes is that: “*a transition macro may be modified while a show is executing. This feature allows a producer to modify the content of a show in real time ... while the transition macro is executing, the video director may insert icons or predefined transition macro segments (multiple icons representing a line item on the director's rundown sheet) into an executing transition macro.*”

All paragraphs [0094] to [0102] in Holtz describes is that “*...video director 135 is able to select which video signals 140-145 will appear on program output 154 and preview output 155 of DVE 106 by selecting a video source icon 303 from program row 310 and by selecting a video source icon 303 from preview row 311...*”. An icon is static. It is not a live visual stream of data received from a live visual source.

Thus, Holtz does not teach that at least one of the received and simultaneously displayed live visual sources is selectable for use by finger pressure on the associated portion of the touch screen display panel and the selected data is modifiable in accordance with a retrieved control function. Nor does Holtz teach that the selected and modified data is immediately cued to air for broadcast.

Thus, it is respectfully submitted that claim 1 is novel over the disclosure of Holtz. It is submitted that claims 2-10 and 15-24 are also novel, at least in view of their dependency on claim 1.

Reconsideration and withdrawal of the rejection of claims 1-10 and 15-24 is respectfully requested in view of the clarifying amendments.

### **Independent Claim 26**

Independent claim 26 as amended states:

*A broadcast control apparatus for the recording and replay of visual data, the apparatus comprising:*

*(a) a touch screen display panel operable to simultaneously and instantaneously playback more than one stream of visual data from a storage unit, the visual data sourced from a plurality of visual sources, where the touch screen display panel is configurable to display said respective streams of visual data indicative on a different portion of said touch screen display panel;*

*(b) a touch screen graphical panel for the retrieval of control functions from a control function register; and*

*(c) a control panel in communication with the touch screen panels , the control panel including a plurality of programmable keys, each one of which is able to be programmed to retrieve a control function; whereby playback of a specified stream of video~~visual~~ data from the storage unit is able to be selected for instant control and playback by way of finger pressure on an associated portion of the touch screen display panel and modified in accordance with a retrieved control function, and respective streams of visual data from the storage unit are configurable on the touch screen display panel and are resizable depending on the number of streams of visual data displayed.*

The Office Action asserts that paragraphs [0124] and [0131] and the illustrations of Figures 5, 5A and 17 of Holtz teaches features (a) to (c).

The Applicant respectfully disagrees. Said passages do not teach a touch screen display panel operable to simultaneously and instantaneously playback more than one stream of visual data from a storage unit, the visual data sourced from a plurality of visual sources, where the touch screen display panel is configurable to display said respective streams of visual data on a different portion of said touch screen display panel. Nor do said passages teach that playback of a specified stream of video data from the storage unit is able to be selected for instant control and playback by way of finger pressure on an associated portion of the touch screen display panel and modified in accordance with a retrieved control function. In contrast, and with reference to paragraph [0125] of Holtz, *“In response to video director 135 activating [an] icon, processing unit 102 transmits a corresponding video production command to the selected record/playback device (RPD). For example, when video director 135 activates play icon 514, processing unit transmits a play command to the selected RPD. The selected RPD will then perform the play function. Similarly, when video director 135 activates stop icon 520, processing unit transmits a stop command to the selected RPD. The selected RPD will then perform the stop function.”*

Furthermore, the Office Action states that “Holtz expressly teaches that the touch panel is operated to simultaneously playback more than one video segment or clip by means of selecting one video clip after another video clip to be replayed by activating the play button.” This is in contrast to the feature (a) as amended. Selecting one video clip after another does not constitute

simultaneous and instantaneous playback more than one stream of visual data, where each stream of data is displayed on a different portion of said panel.

Thus it is respectfully submitted that claim 26 is novel over the disclosure of Holtz. It is submitted that claims 27 and 30-37 are also novel, at least in view of their dependency on claim 26.

Reconsideration and withdrawal of this rejection of claims 26-27 and 30-37 is respectfully requested in view of the clarifying amendments.

### **Independent Claim 39**

With regard to independent claim 39, the Office Action asserted that the subject matter corresponds to the subject matter recited in claims 1 and 26. Thus, Holtz discloses every limitation of claim 39, as indicated in the rejections of claims 1 and 26.

Clarifying amendments are proposed to independent claim 39 in conformity with the amendments proposed to claim 1. Claim 39 as amended states:

*A system for broadcast control comprising:*

*a first apparatus comprising a touch screen display panel operable to receive and display live visual streams of video data simultaneously in real-time from the plurality of visual sources, where the touch screen display panel is configurable to display said live visual stream of video data indicative of each visual source on a different portion of said touch screen display panel;*  
*and a touch screen graphical panel for the retrieval of control functions from a control function register; whereby visual data from at least one of the received and simultaneously displayed visual sources is selectable for use by finger pressure on the associated portion of the touch screen display panel and the selected data is modifiable in accordance with a retrieved control function and the selected and modified data is immediately cued to air for broadcast;*

*a storage unit for storing live visual streams of video data from the plurality of visual sources;*

*a second apparatus comprising a touch screen display panel operable to simultaneously playback more than one stream of visual data from the storage unit and to produce an output; a touch screen graphical panel for the retrieval of control functions from a control function register; and a control panel in communication with the touch screen panels, the control panel*

*including a plurality of programmable keys, each one of which is able to be programmed with a retrieved digital video effect; whereby playback of visual data from the storage unit is able to be modified in accordance with a retrieved control function;*

*whereby the first apparatus is operable to edit selected modified data with output from the second apparatus for transmission.*

For the same reasons as asserted in respect of claim 1 above, it is respectfully submitted that amended claim 39 is novel over the disclosure of Holtz. It is submitted that claims 40-55 are also novel, at least in view of their dependency on claim 39.

Reconsideration and withdrawal of the rejection of claims 39-55 is respectfully requested in view of the clarifying amendments.

#### **Independent Claim 56**

Clarifying amendments are proposed to independent claim 56 in conformity with the amendments proposed to claim 1. Claim 56 as amended states:

*A method for broadcast control comprising the steps of:*  
*storing control functions in a control function register;*  
*displaying on a touch screen display panel of a first apparatus live visual streams of video data simultaneously in real-time from a plurality of visual sources, said touch screen display panel configured to display said live visual stream of data indicative of each visual source on a different portion of said touch screen display panel; a first operator*  
*selecting visual data from at least one of the received and simultaneously displayed visual sources by finger pressure on the associated portion of the touch screen display panel of the first apparatus; the first operator*  
*retrieving a control function from the control function register; and the first operator*  
*modifying the selected visual data with the retrieved control function to produce a first output and cueing the first output for transmission.*

For the same reasons as asserted in respect of claim 1 above, it is respectfully submitted that amended claim 56 is novel over the disclosure of Holtz. It is submitted that claims 57-67 are also novel, at least in view of their dependency on claim 55.

Reconsideration and withdrawal of the rejection of claims 56-67 is respectfully requested in view of the clarifying amendments.

*The Rejection of Claims Under § 103*

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Share et al. (U.S. Patent No. 5,477,024; hereinafter "Share").

Claims 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz in view of Vye (U.S. Patent No. 4,720,805).

The 35 U.S.C. 103(a) rejections of claims 12-14, 25, and 38 are respectfully traversed.

Claims 12-14 and 25 are dependent on amended claim 1, and claim 38 is dependent on claim 26. As indicated above, Holtz does not teach or suggest all the features of independent claim 1 nor independent claim 26, nor does Share, nor Vye, make up for Holtz's shortcomings.

It is well established that the cited references must teach or suggest all the claim limitations. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)).

In the circumstances, it is respectfully submitted that dependent claims 12-14, 25 and 38 are in an allowable state.

Reconsideration and withdrawal of the rejection of claims 12-14, 25, and 38 is respectfully requested.



**CONCLUSION**

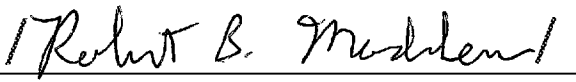
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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